

New Hampshire Council on Resources and Development

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FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT NOVEMBER 8, 2007

MEMBERS PRESENT

Amy Ignatius, Chairman, Director of the NH Office of Energy and Planning
Thomas Burack, Commissioner, NH Dept. of Environmental Services
William Carpenter, for George Bald, Commissioner of the NH Dept. of Resources and Economic Development
Elizabeth Muzzey, Director, NH Dept. of Cultural Resources, Div. of Historical Resources
Stephen Perry, for Donald Clarke, Interim Director, NH Fish and Game Department
William Ray, for Dean Christon, Executive Director, NH Housing Finance Authority
Richard Uncles, Director, NH Dept. of Agriculture, Markets and Food, Div. of Regulatory Services

OTHERS PRESENT

Kathy Andress, Daughter of Howard Laware
Louis Barker, NH Dept. of Transportation, Bureau of Rail and Transit
Rebecca Bolton, NH Office of Information Technology
Jennifer Czysz, NH Office of Energy and Planning
Judy Durell, Daughter of Howard Laware
Ken Gallagher, NH Office of Energy and Planning
Cindy Heath, City of Lebanon
Fay Rubin, University of New Hampshire
Stephen Walker, NH Office of Energy and Planning
Michele Zydel, NH Office of Energy and Planning

I. ROLL CALL AND INTRODUCTIONS

Chairman Ignatius called the meeting to order at 9:35 AM at the NH Office of Energy and Planning, 57 Regional Drive, Concord, NH.

II. MINUTES

A. Approval of CORD Meeting Minutes of October 12, 2007.

ACTION: MOVED by Mr. Uncles, seconded by Mr. Perry, THAT the minutes of the Council meeting held on October 12, 2007 be approved. The motion passed unanimously by a vote of 6 – 0. Due to the lack of a quorum, a ballot vote will be issued.

III. NEW BUSINESS

A. Land Conservation Investment Program Monitoring and Enforcement Activities Report for 2007. Report distributed by email on October 18, 2007.

Stephen Walker of the Conservation Land Stewardship Program presented Council with highlights of the report:

- ◆ Shapefiles are now utilized to display property boundaries with GPS and mapping software.
- ◆ 240 properties located in 78 communities throughout New Hampshire are currently under CLS stewardship and monitoring. CLS is providing each town with baseline *Field and Office Files* for each property. Fifty towns now have these files; the other 28 are expected to be completed in 2008. These files will help towns with the stewardship of their properties and can serve as a template for the stewardship of other conservation interests a town may have.
- ◆ The legislative change to the management of LCIP funds through Treasury has afforded the program flexibility to better-fit program needs.

Mr. Walker reported that the program is currently involved in a dispute resolution with an abutter in Rye who is laying claim to ½ acres of LCIP land. LCIP is working with the Attorney General's office toward remediation. Mediation of the settlement is being exercised through the Rockingham County Superior Court. As this dispute is unprecedented, a bill must be introduced to, and approved by, the NH Legislature to permit conveyance of land from the public trust.

Mr. Walker stated that a contract for FY 08 and 09 between CLS and DRED, Division of Forests and Lands will regionalize monitoring in the North Country.

LCIP State-held easement agreements contain clauses that allow for subdivision of 40 current LCIP parcels, which may or may not be exercised, but represent a potential for as many new landowners in the program. This does not represent an increase in acreage; however it can create challenges as new landowners may not be aware or understand easement guidelines.

Mr. Ray asked how the monitoring is funded. Mr. Walker responded that the endowment, under its current management, provides about \$90,000 in interest income

earned on the approximately \$2.4M endowment to support the program. The remainder of the income comes from three MOAs and a grant.

ACTION: MOVED by Commissioner Burack, seconded by Mr. Ray, THAT the report be accepted. The motion passed unanimously by a vote of 6 – 0. Due to the lack of a quorum, a ballot vote will be issued.

IV. DISPOSAL OF STATE OWNED LAND SURPLUS LAND REVIEW (SLR)

A. LEBANON

SLR 07-007

Request to sell approximately 16,500 square feet of land in Lebanon to Howard Laware, Railroad Avenue, Lebanon, NH.

The Department of Transportation requests to sell approximately 16,500 square feet of land in Lebanon to Howard Laware on Railroad Avenue. Mr. Laware is the owner of the former barracks building in the railroad yard and has leased the land under and surrounding the building since his father purchased the building from the Boston and Maine Corporation. Mr. Laware and his family have asked to purchase the land under the building and a small driveway and yard area in order to make the longstanding lease arrangement permanent and to help facilitate future improvements and repairs to the building. DOT reports the parcel is a sufficient distance from the railroad main line track and sidings to maintain current and future railroad operations.

November 8, 2007 Discussion:

Kathy Andress addressed Council, clarifying information regarding the land and building owners. She stated that her family purchased the building from Boston and Maine Railroad but the original land lease was with Gilbert Transportation. The State of New Hampshire then took over the land from Gilbert Transportation. The Laware's have been trying to purchase the land for over 50 years.

Ms. Andress stated that the property was appraised at \$90,000, much higher than they expected. She said their next step is to go to the Long Range Capital Planning and Utilization Committee to determine if it is a fair appraisal. She acknowledged that she has been to a number of meetings with the Westboro Committee and the City of Lebanon.

Mr. Barker, at the request of Commissioner Burack, provided details of the site from a map. Mr. Barker pointed out the section of land DOT intends to keep for access to the Claremont Concord Railroad operation. Mr. Barker noted that it is joint access in that it is shared with West Lebanon Supply. He stated there are no other easements or restrictive terms as long as DOT maintains access.

Ms. Muzzey asked if the City of Lebanon finds the size of the access to be acceptable. Ms. Heath responded that the City has not yet reviewed property-access details.

Commissioner Burack asked Ms. Andress for background information regarding her family's acquisition of the property. Ms. Andress responded that her grandfather worked as a crane operator for the railroad for 30 years and that he was the original purchaser. Her father worked for the railroad for 12 years. There are 3 apartments in the building; 2 are

unoccupied at this time. Commissioner Burack asked if her family built the building, to which Ms. Andress replied no. She stated they have a lifetime lease on the land that may have been based on a handshake, as they cannot locate a written agreement. Mr. Laware pays \$180.00/year to the State to lease the land.

Mr. Uncles asked about the disposition of the building should the lease terminate. Mr. Barker responded he was unsure of the structure's fate.

Commissioner Burack asked Ms. Andress what her plans or expectations were once she acquired the land. Ms. Andress responded that her family plans to use it as a home base when they travel south during the winter months. She also stated that her father is on a fixed income and won't allow his children to renovate the building because he doesn't own the land it sits on.

Commissioner Burack asked Ms. Muzzey if there are any historical issues associated with the property. She responded that there are very few railroad yards left, and that this yard is eligible for the National Register of Historic Places.

Ms. Heath stated that Lebanon City Council received DOT's appraisal last week and attempted to schedule a meeting this month to address the Laware request but were forced to schedule in December because of scheduling conflicts. Chairman Ignatius asked if the City is interested in the structure. Ms. Heath responded that the Laware house and adjacent 8 acres of land tie together in the grand scheme of the City's revitalization project.

Chairman Ignatius pointed out that the Laware structure is at the edge of what has already been developed and not immediately adjacent to the 8 acre Westboro Park land the City is currently working to acquire. It would not be in the best interest of all involved to hold up the request for an undetermined amount of time. Ms. Heath responded that an economic development assessment is scheduled. Ms. Ignatius asked for the assessment completion date to which Ms. Heath responded that a year would probably be the maximum.

Ms. Andress made reference to an article in the Valley News dated November 7, 2007 that reported Lebanon City Council questioned whether they should remove part or all of the \$330,000 slated for the Westboro Park project from the City's 2008 budget.

Chairman Ignatius asked Ms. Andress if there is an appraisal on the structure, to which Ms. Andress responded no. Ms. Durell added that the property is zoned as commercial.

Commissioner Burack asked if the railroad operation is trans-shipping. Mr. Barker responded that it is but only for cement. Oil transloading has not occurred since the State took possession. Mr. Barker also offered:

- ♦ The railroad Depot Building, which was relocated in the year 2000, sits on land owned by the Claremont Concord Railroad. The New England Transportation Institute has a temporary use agreement for 1 year, renewable for 1 year, that allows the building to remain at the site.

- ♦ DOT sees the long-term use of the site as being industrial. DOT would look to keep the railroad operating and renew its operating agreement.

Chairman Ignatius stated that it does not appear that the City of Lebanon is in any way disingenuous in its effort to communicate with the Laware's and come to an amicable agreement; however, the City's Economic Development Study and Budget will not be completed within the next 6 months and she feels a decision made by CORD will not prevent the City from moving forward with their revitalization plans or acquiring the property through the priority offering DOT is still required to make prior to presenting a purchase and sales agreement to Governor and Council. If the City not able to acquire the property at that point in time it could do so through other avenues including negotiations with the Laware family to purchase the land or eminent domain.

Chairman Ignatius asked Ms. Heath if the City has set aside money in their budget to purchase the Laware property. Ms. Heath responded no.

ACTION: MOVED by Mr. Perry, seconded by Ms. Muzzey, TO APPROVE the request to sell approximately 16,500 square feet of land in Lebanon to Howard Laware, Railroad Avenue, Lebanon, NH, provided that consideration is given the historical value of the property. The motion passed unanimously by a vote of 7 – 0. Due to the lack of a quorum, a ballot vote will be issued.

V. NEW BUSINESS

A. State Geographic Information System Strategic Plan. The plan is available online at: http://www.nh.gov/oep/programs/GIS/strategic_plan.htm.

Ken Gallager, Principal Planner-GIS & GRANIT, provided Council with a brief overview of the strategic plan. The plan identifies key needs and proposes a series of activities that can move New Hampshire's geospatial data management capabilities forward. The plan also aligns New Hampshire with the federal NSDI (national spatial data infrastructure) vision, making the state eligible for future funding to support the implementation of the plan. One critical element of the proposed program is the establishment of a New Hampshire GIS Office and the creation of the Geographic Information Officer (GIO) position in fiscal year 2010 or thereafter.

Fay Rubin added that federal agents will be looking for stronger coordination at the State level when awarding grants.

ACTION: MOVED by Mr. Carpenter, seconded by Mr. Ray TO ACCEPT and endorse the report. The motion passed unanimously by a vote of 7 –0. Due to the lack of a quorum, a ballot vote will be issued.

VI. OLD BUSINESS

A. HB710 Study Commission and Mapping State Owned Lands.

The Commission submitted an interim report that defines issues to be resolved within existing State policies. This study will continue through November 2008. The full committee in addition to preparation of the interim report has toured docks on existing leased land to assess the associated issues. Ms. Czynsz is chairing a subcommittee that will analyze data (including map information). She noted that mapping progress is nearly complete - DES is revising its data and DOT is mapping railroads near rivers.

B. Smart Growth Report – Implementation Plan.

Ms. Czynsz asked Council for their comments on the proposed implementation actions listed below:

- ◆ Identify new legislation and revisions to administrative rules to ensure state facility siting policies and RSA 9-B are not in conflict.
- ◆ Seek formal establishment of a committee to assist state agencies in reviewing sites for proposed new facilities; review and revise existing lease evaluation criteria utilized by Administrative Services; prepare siting evaluation criteria for new facilities; encourage agencies to seek the advice of CORD and/or the Interagency Facility Siting Committee on site evaluation decisions; identify opportunities for agency co-location in order to consolidate agency facility sites.
- ◆ Create a CORD subcommittee to prepare a draft policy statement and review existing policies for the distribution of federal and state funds by state agencies to local and regional entities for the purpose of promoting the State' smart growth policies.
- ◆ Support the Citizen Planner Collaborative training initiative sponsored by OEP's Municipal and Regional Planning Assistance Program and UNH Cooperative Extension; solicit participation in the task force from CORD membership.
- ◆ Develop an agency to review, guide, and assist agencies in identifying ways they can promote smart growth in their operations; promote positive examples of agency smart growth programs in the Report on Growth Management.
- ◆ Use CORD meetings as a forum to discuss agency activities and initiatives; promote interagency collaboration.
- ◆ Identify existing programs that could benefit from additional promotion and funding.

Chairman Ignatius said the intent is not to endorse all of the items but to allow Ms. Czynsz and the newly hired OEP planner to begin work at sorting out what implementation actions should be pursued, and to then return to CORD with their recommendations.

ACTION: MOVED by Mr. Carpenter, seconded by Mr. Uncles TO ACCEPT the Implementation Plan. The motion passed unanimously by a vote of 6 –0. Due to the lack of a quorum, a ballot vote will be issued.

C. CORD Procedures.

Chairman Ignatius stated that Council may need to go through JLCAR in order to formally revise its procedures. Mr. Uncles asked that the text “e-mailed” be changed to “distributed.” Council then agreed to accept the revisions as submitted by Ms. Czysz and to pursue the additional steps required to formalize CORD’s Procedures.

VII. CORD 2007 - 2008 MEETING SCHEDULE

January 3, 2008
March 6, 2008
May 1, 2008
July 3, 2008
September 4, 2008
November 6, 2008

All meetings will be held at the Office of Energy and Planning, 57 Regional Drive (January 2008 meeting only) or 4 Chenell Drive (meetings beginning in March 2008), Concord, NH, unless otherwise noted. Meetings begin at 9:30 AM.

VIII. ADJOURNMENT

The meeting adjourned at 11:53 PM.

Respectfully Submitted,

Amy Ignatius
Chairman

AI/mkz